

SEC. 656. That the clerk of the circuit court for the eastern district of Missouri, and his successors in office, shall have the custody of all records, books, papers, and property belonging or in any wise appertaining to said circuit court of the United States in and for the districts of Missouri, and, as such custodians and the successors of the clerk of said last-named court, they are hereby invested with the same powers and authority with respect thereto as the clerk thereof had during the existence of said last-named circuit court. Said circuit court for the eastern district of Missouri is hereby made the successor of said circuit court of the United States in and for the districts of Missouri as to all suits, causes, and unfinished business therein or in any wise pertaining thereto, except as hereinbefore provided.

Custody of books, papers, &c., of circuit court of Missouri.

25 Feb., 1873, c. 200, s. 4, v. 17, p. 476.

SEC. 657. The original jurisdiction of the circuit court for the southern district of New York shall not be construed to extend to causes of action arising within the northern district of said State.

Circuit court for southern district of New York, how limited.

3 April, 1818, c. 32, s. 6, v. 3, p. 415. *Wheeler vs. McCormick*, 8 Blatch. C. C., 267.

CHAPTER EIGHT.

CIRCUIT COURTS—SESSIONS

Sec.	Sec.
658. Terms.	664. California, Oregon, and Nevada, special sessions.
659. Recognizances to a certain term in southern district of New York.	665. Kentucky and Indiana, special terms.
660. Effect of altering terms of circuit courts.	666. Tennessee, special terms.
661. Special sessions for trial of criminal cases.	667. North Carolina, special terms.
662. Special sessions for criminal trials near the place of the offense.	668. Virginia, Wisconsin, special terms.
663. Adjourned terms, Missouri.	669. Special terms, general rule.
	670. Special terms, business transacted at.
	671. Adjournment in absence of the judges.
	672. Adjournment in absence of the judges, by written order.

SEC. 658. The regular terms of the circuit courts shall be held in each year, at the times and places following; but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Terms.

In and for the southern district of Alabama, at Mobile, on the second Monday in April and the fourth Monday in December.

Alabama, S. D.

34, s. 2, v. 5, p. 177. 22 February, 1838, c. 12, s. 1, v. 5, p. 210. 6 August, 1842, c. 180, s. 1, v. 5, p. 507. 12 April, 1844, c. 12, s. 3, v. 5, p. 655. 1 March, 1845, c. 39, s. 1, v. 5, p. 731. 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

3 March, 1837, c.

In and for the eastern district of Arkansas, at Little Rock, on the second Monday in April and the fourth Monday in October.

Arkansas.

3 March, 1837, c. 34, s. 2, v. 5, p. 177. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of California, at San Francisco, on the first Monday in February, the second Monday in June, and the first Monday in October.

California.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

In the district of Connecticut, at New Haven, on the fourth Tuesday in April; and at Hartford, on the third Tuesday in September.

Connecticut.

13 April, 1792, c. 21, s. 2, v. 1, p. 253. 24 February, 1843, c. 44, s. 1, v. 5, p. 601.

In the district of Delaware, at Wilmington, on the third Tuesdays in June and October.

Delaware.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

In the southern district of Florida, at Key West, on the first Mondays in May and November.

Florida.

In the northern district of Florida, at Tallahassee, on the first Monday in February; at Pensacola, on the first Monday in March; and at Jacksonville, on the first Monday in December.

23 Feb., 1847, c.

20, s. 2, v. 9, p. 131.

15 July, 1862, c.

178, s. 1, v. 12, p.

576. 27 July, 1868, c. 270, s. 1, v. 15, p. 239.

- Georgia.** In the southern district of Georgia, at Savannah, on the second Monday in April; and on the Thursday after the first Monday in November.
In the northern district of Georgia, at Atlanta, on the second Mondays in March and September.
21 Jan., 1829, c. 8, s. 1, v. 4, p. 331.
1 March, 1845, c. 39, s. 1, v. 5, p. 731. 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281.
4 June, 1872, c. 284, s. 3, v. 17, p. 218.
- Illinois.** In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
In the southern district of Illinois, at Springfield, on the first Mondays in January and June.
19 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
23 April, 1856, c. 18, s. 1, v. 11, p. 4.
- Indiana.** In the district of Indiana, at Indianapolis, on the first Tuesday in May and November; and at New Albany, on the first Monday in January and July; and at Evansville, on the first Monday in February and August.
10 March, 1838, c. 33, s. 1, v. 5, p. 215.
20 Feb., 1863, c. 47, s. 1, v. 12, p. 657. 30 June, 1870, c. 180, s. 1, v. 16, p. 175.
- Iowa.** In the district of Iowa, at Des Moines, on the second Mondays in May and October.
13 June, 1863, c. 9, s. 1, v. 12, p. 634. 2 March, 1863, c. 69, s. 2, v. 12, p. 699. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.
- Kansas.** In the district of Kansas, at Leavenworth, on the first Monday in June; and at the seat of government of the State, on the fourth Monday in November.
21 Jan., 1861, c. 20, s. 5, v. 12, p. 128.
13 Jan., 1863, c. 13, s. 1, v. 12, p. 634. 21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 341, v. 17, p. 334.
- Kentucky.** In the district of Kentucky, at Covington, on the third Monday in April and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the third Monday in March and the first Monday in November.
15 May, 1862, c. 71, s. 1, v. 12, p. 386.
- Louisiana.** In the district of Louisiana, at New Orleans, on the fourth Monday in April and the first Monday in November.
1 March, 1845, c. 39, s. 1, v. 5, p. 731. 20 July, 1854, c. 99, s. 2, v. 10, p. 307. 23 July, 1866, c. 210, s. 2, v. 14, p. 209. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.
- Maine.** In the district of Maine, at Portland, on the twenty-third days of April and September.
3 March, 1823, c. 41, s. 1, v. 3, p. 774. 13 Feb., 1843, c. 32, s. 1, v. 5, p. 600. 11 August, 1848, c. 154, s. 1, v. 9, p. 282.
- Maryland.** In the district of Maryland, at Baltimore, on the first Mondays in April and November.
3 March, 1837, c. 34, s. 2, v. 5, p. 177. 7 July, 1838, c. 193, s. 1, v. 5, p. 308.
- Massachusetts.** In the district of Massachusetts, at Boston, on the fifteenth days of May and October.
26 March, 1812, c. 45, s. 1, v. 2, p. 696.
- Michigan.** In the eastern district of Michigan, at Detroit, on the first Tuesdays in March, June, and November.
In the western district of Michigan, at Grand Rapids, on the third Mondays in May and October.
24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.
- Minnesota.** In the district of Minnesota, at Saint Paul, on the third Monday in June and the second Monday in December.
13 Jan., 1863, c. 9, s. 1, v. 12, p. 635. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.
- Mississippi, S. D.** In the southern district of Mississippi, at Jackson, on the first Mondays in May and November.
3 March, 1837, c. 34, s. 2, v. 5, p. 177. 18 June, 1838, c. 115, s. 1, v. 5, p. 247. 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317.
- Missouri.** In the eastern district of Missouri, at Saint Louis, on the third Mondays in March and September.
In the western district of Missouri, at Jefferson, on the third Mondays in April and November.
21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 334, ss. 1, 2, v. 17, pp. 282, 283.

In the district of Nebraska, at Omaha, on the first Monday in May and the second Monday in November.

Nebraska.

18 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of Nevada, at Carson City, on the first Mondays in March, August, and December.

Nevada.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

In the district of New Hampshire, at Portsmouth, on the eighth day of May; and at Exeter on the eighth day of October.

New Hampshire.

3 Mar., 1823, c. 41, s. 1, v. 3, p. 773.

In the district of New Jersey, at Trenton, on the fourth Tuesdays in March and September.

New Jersey.

24 Sept., 1789, c. 20, s. 5, v. 1, p. 75. 3 March, 1797, c. 27, s. 1, v. 1, p. 517. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.

In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Albany on the second Tuesday in October; and when the term appointed to be held at Albany is adjourned, it shall be adjourned to meet at the same place on the third Tuesday in January; and when said adjourned term is adjourned it shall be adjourned to meet in Utica on the third Tuesday in March. The said adjourned terms shall be held for the transaction of civil business only.

New York.

20 May, 1830, c. 213, s. 2, v. 4, p. 422.

10 April, 1832, c. 15, s. 1, v. 4, p. 497.

8 Aug. 1846, c. 98, s. 1, v. 9, p. 72.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.

7 Feb., 1873, c. 120, ss. 1, 2, v. 17, p. 422.

In the southern district of New York, at the city of New York, on the first Monday in April and the third Monday in October; and for the trial of criminal causes and suits in equity, on the last Monday in February; and exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December: *Provided*, That the holding of any of the last-mentioned terms for criminal business shall not dispense with nor affect the holding of any other term of the court at the same time, and that the pending of any other term of the court shall not prevent the holding of any of the said terms for criminal business.

In the eastern district of New York, at Brooklyn, on the first Wednesday in every month.

In the eastern district of North Carolina, at Raleigh, on the first Monday in June and the last Monday in November.

North Carolina.

15 July, 1846, c. 38, v. 9, p. 38.

15 Feb., 1847, c. 9, v. 9, p. 126.

4 June, 1872, c. 282, s. 2, v. 17, p. 215.

In the western district of North Carolina, at Greensborough, on the first Mondays in April and October; at Statesville, on the third Mondays in April and October; and at Asheville, on the first Mondays in May and November.

In the northern district of Ohio, at Cleveland, on the first Tuesdays in January, April, and October.

Ohio.

21 Feb., 1863, c. 49, v. 12, p. 657.

7 July, 1870, c. 214, v. 16, p. 192.

In the southern district of Ohio, at Cincinnati, on the first Tuesdays in February, April, and October.

In the district of Oregon, at Portland, on the first Mondays in January, May, and September.

Oregon.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4.

In the eastern district of Pennsylvania, at Philadelphia, on the first Mondays in April and October.

Pennsylvania.

3 March, 1797, c. 27, s. 1, v. 1, p. 517.

20 April, 1818, c. 108, s. 4, v. 3, p. 462.

3 March, 1837, c. 34, s. 2, v. 5, p. 177.

21 Feb., 1871, c. 63, v. 16, p. 429.

In the western district of Pennsylvania, at Erie, on the second Monday in January and third Monday in July; at Pittsburgh, on the second Mondays in May and November; and at Williamsport, on the third Mondays in June and September.

In the district of Rhode Island, at Providence, on the fifteenth days of June and November.

Rhode Island.

22 Feb., 1867, c. 60, s. 1, v. 14, p. 399.

South Carolina.	In the district of South Carolina, at Charleston, on the first Monday in April; and at Columbia, on the fourth Monday in November.
10 Feb., 1858, c. 5, s. 2, v. 11, p. 260.	
24 Feb., 1829, c. 78, s. 1, v. 4, p. 124.	19, v. 4, p. 335. 4 May, 1826, c. 37, s. 2, v. 4, p. 160. 3 March, 1825, c. 25 May, 1824, c. 145, s. 1, v. 4, p. 34.
Tennessee.	In the eastern district of Tennessee, at Knoxville, on the second Mondays in January and July.
25 June, 1868, c. 79, s. 1, v. 15, p. 80.	In the middle district of Tennessee, at Nashville, on the third Mondays in April and October.
	In the western district of Tennessee, at Memphis, on the fourth Mondays in May and November.
Texas.	In the eastern district of Texas, at Brownsville, on the first Mondays in March and October; and at Galveston, on the first Mondays in May and December.
21 Feb., 1857, c. 58, s. 2, v. 11, p. 164.	In the western district of Texas, at Austin, on the first Mondays in January and June; and at Tyler, on the fourth Monday in April and the first Monday in November.
11 June, 1858, c. 147, s. 1, v. 11, p. 314.	
15 July, 1862, c. 178, s. 1, v. 12, p. 576.	
Vermont.	In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the fourth Tuesday in July; and at Rutland, on the third day of October.
3 March, 1797, c. 27, s. 1, v. 1, p. 517.	
22 March, 1816, c. 1869, g. 43, s. 1, v. 15, p. 274.	31, ss. 1, 4, v. 3, p. 258. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 Feb.,
Virginia.	In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk, on the first Monday in May and November.
3 Feb., 1871, c. 35, s. 3, v. 16, p. 403.	In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Harrisonburgh, on the Tuesday after the first Monday in May and the Tuesday after the second Monday in October; and at Abingdon, on the Tuesday after the fourth Monday in May and October.
1 Feb., 1872, c. 10, v. 17, p. 27.	
13 April, 1872, c. 99, v. 17, p. 52.	
West Virginia.	In the district of West Virginia, at Parkersburgh, on the first Monday in August.
3 March, 1837, c. 34, s. 2, v. 5, p. 177.	26 June, 1856, c. 48, s. 2, v. 11, p. 23. 11 June, 1864, c. 120, s. 1, v. 13, p. 124. 27 July, 1866, Res. No. 90, v. 14, p. 369.
Wisconsin.	In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; and at Milwaukee, on the first Monday in January and October.
29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.	In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.
9 May, 1872, c. 143, s. 1, v. 17, p. 88.	
Recognizances to a certain term in southern district of New York.	SEC. 659. All recognizances and bail-bonds taken in criminal cases for an appearance at a circuit court in the southern district of New York, conditioned upon an appearance at the next one of the terms appointed by the act of February seven, eighteen hundred and seventy-three, shall be valid.
7 Feb., 1873, c. 120, s. 2, v. 17, p. 423.	
Effect of altering terms of circuit courts.	SEC. 660. No action, suit, proceeding, or process in any circuit court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established, next after the return day thereof.
See all acts altering terms.	
Special sessions for trial of criminal causes.	SEC. 661. Any circuit court may, at its own discretion, or at the discretion of the Supreme Court, hold special sessions for the trial of criminal causes.
24 Sept., 1789, c. 20, s. 5, v. 1, p. 75.	
Special sessions for criminal trials near the place of the offense.	SEC. 662. The Supreme Court, or, when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held, for the trial of criminal causes, at any convenient place within the district

nearer to the place where the offenses are said to be committed than the place appointed by law for the stated sessions. The clerk of such court shall, at least thirty days before the commencement of such special session, cause the time and place for holding it to be notified, for at least three weeks, consecutively, in one or more of the newspapers published nearest to the place where it is to be held. All process, writs, and recognizances respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at such special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. Any such session may be adjourned from time to time to any time previous to the next stated term of the court; and all business depending for trial at any special session shall, at the close thereof, be considered as removed to the next stated term.

SEC. 663. The circuit courts for the several districts of Missouri may at any time order adjourned terms thereof. In the eastern district a copy of the order shall be posted on the door of the court-room, and shall be advertised in some newspaper printed in Saint Louis, and in the western district a copy of the order shall be posted on the door of the court-room, and advertised in some newspaper printed in the city of Jefferson, at least twenty days before the adjourned term is held. At such adjourned term any business may be transacted which might be transacted at a regular term.

SEC. 664. In the districts of California, Oregon, and Nevada the circuit justice or circuit judge may appoint special sessions of the circuit courts, to be held at the places where the regular sessions are held, by an order under his hand and seal, directed to the marshal and clerk of such court at least fifteen days before the time fixed for the commencement of such special sessions. Said order shall be published by the marshal in one or more of the newspapers within the district where such sessions are to be held.

SEC. 665. In the districts of Kentucky and Indiana the district judge, and, in his absence, the circuit justice or circuit judge, may, by a written order to the clerk of the circuit court, appoint a special term of such court; and by said order the judge may prescribe the duties of the officers of the court in summoning juries, and in the performance of other acts necessary for the holding of such special term, or the court may, by its order, after it is opened, prescribe the duties of its officers, and the mode of proceeding, and any of the details thereof. Notice of such special term shall be given by the clerk, by posting a copy of said order on the front door of the court-house where the court is to be held, and by publishing the same in one or more newspapers in the same place.

SEC. 666. In each of the districts of Tennessee the judges of the circuit court may appoint special terms thereof, to be held at the place where the regular terms are held; and notice of such special terms shall be published, for four consecutive weeks, in at least one newspaper printed at the place where the court is to be held.

SEC. 667. In each of the districts of North Carolina the circuit court may order special terms thereof to be held at such times and places in said district as the court may designate: *Provided*, That no special term of the circuit court for either district shall be appointed, except by and with the concurrence and consent of the circuit judge.

SEC. 668. In each of the districts of Virginia and of Wisconsin the circuit court may order special terms, and direct a grand or petit jury, or both, to attend the same, by an order, to be entered of record twenty days before the day on which such special term is to convene: *Provided*, That no special term of such circuit courts shall be appointed in any of the said districts, except by and with the concurrence and consent of the circuit judge.

2 March, 1793, c. 22, s. 3, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

U. S. *vs.* The Insurgents, 2 Dall., 513.

U. S. *vs.* Cornell, 2 Mas., 98.

Adjourned terms, Missouri.

8 June, 1872, c. 334, s. 3, v. 17, p. 283.

Mechanics' Bank *vs.* Withers, 3 Dall., 19.

Anon., 1 Cr. C. C., 159.

California, Oregon, and Nevada, special sessions.

19 Feb., 1864, c. 11, s. 3, v. 13, p. 4.

3 March, 1863, c. 100, s. 1, v. 12, p. 794.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Kentucky and Indiana, special terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.

30 June, 1870, c. 180, s. 2, v. 16, p. 175.

Tennessee, special terms.

26 Jan., 1864, c. 5, s. 2, v. 13, p. 2.

North Carolina, special terms.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Virginia, Wisconsin, special terms.

29 June, 1870, c. 175, s. 4, v. 16, p. 171.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403.

Special terms,
general rule.

4 July, 1840, c. 43,
s. 2, v. 5, p. 393.

Special terms,
business transacted at.

15 May, 1862, c.
71, s. 2, v. 12, p. 386.

30 June, 1870, c.
180, s. 2, v. 16, p.
175.

21 Feb., 1855, c.
118, s. 3, v. 10, p.
612.

29 June, 1870, c.
175, s. 4, v. 16, p.
171.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. 4 July, 1840, c. 43, s. 2, v. 5, p. 393. 26 Jan., 1864, c.
5, s. 2, v. 13, p. 2. 19 Feb., 1864, c. 11, s. 3, v. 13, p. 4. 27 Feb., 1865, c. 64, s. 7, v. 13, p. 440.
4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Adjournment in
absence of the
judges.

24 Sept., 1789, c.
20, s. 6, v. 1, p. 76.

19 May, 1794, c.
32, v. 1, p. 369.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Adjournment, in
absence of the
judges, by written
order.

4 July, 1840, c.
43, s. 1, v. 5, p. 392.

18 Jan., 1839, c.
3, s. 9, v. 5, p. 314.

SEC. 669. In the districts not mentioned in the five preceding sections, the presiding judge of any circuit court may appoint special sessions thereof, to be held at the places where the regular sessions are held.

SEC. 670. At any special term of a circuit court in any district in Indiana, Kentucky, Missouri, North Carolina, Virginia, and Wisconsin, any business may be transacted which might be transacted at any regular term of such court. At any special term of a circuit court in any other district, it shall be competent for the court to entertain jurisdiction of and to hear and decide all cases in equity, cases in error or on appeal, issues of law, motions in arrest of judgment, motion for a new trial, and all other motions, and to award executions and other final process, and to do and transact all other business, and direct all other proceedings, in all causes pending in the circuit court, except trying any cause by a jury, in the same way and with the same effect as the same might be done at any regular session of said court.

SEC. 671. If neither of the judges of a circuit court is present to open any session, the marshal may adjourn the court from day to day until a judge is present: *Provided*, That if neither of them attends before the close of the fourth day after the time appointed for the commencement of the session, the marshal may adjourn the court to the next regular term.

SEC. 672. If neither of the judges of a circuit court be present to open and adjourn any regular or adjourned or special session, either of them may, by a written order, directed alternatively to the marshal, and, in his absence, to the clerk, adjourn the court from time to time, as the case may require, to any time before the next regular term.

CHAPTER NINE.

SUPREME COURT—ORGANIZATION.

Sec.

673. Number of justices.

674. Precedence of the associate justices.

675. Vacancy in the office of Chief Justice.

676. Salaries of judges.

677. Clerk, marshal, and reporter.

678. Deputies of the clerk.

Sec.

679. Records of the old court of appeals.

680. Marshal of the Supreme Court.

681. Duties of the reporter.

682. Reporter's salary and price of reports.

683. Distribution of the Supreme Court reports.

Number of jus-
tices.

10 April, 1869, c.
22, s. 1, v. 16, p. 44.

Precedence of the
associate justices.

24 Sept., 1789, c.
20, s. 1, v. 1, p. 73.

Vacancy in the
office of Chief Jus-
tice.

24 Sept., 1789, c.
20, s. 1, v. 1, p. 73.

25 June, 1868, c.
81, s. 1, v. 15, p. 80.

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.